

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KELLY NI, on behalf of herself, FLSA
Collective Plaintiffs, and the Class,

Plaintiff,

-against-

HSBC BANK USA, N.A.,

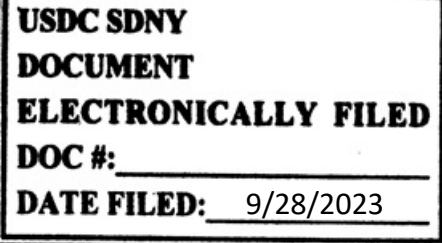
Defendant.
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KATHARINE H. PARKER, United States Magistrate Judge:

The Court is in receipt of the parties' letters concerning discovery disputes. (ECF Nos. 58, 59.) The parties raise discovery issues regarding three categories.

First, Plaintiff requests the contact information for the branch managers of branches in the sampling of branches previously ordered by the court. Defendant has indicated that it will accept service of subpoena for any former managers and produce current managers. Thus, Plaintiff's basis for seeking contact information – i.e., concern about being unable to compel appearance at a deposition -- is premature. At this point in the litigation, the Court will not require the production of personal contact information for the individual branch managers. However, Defendant shall produce not just the names of the individual branch managers for the sample branches, but also the branches in which they worked during the period October 2019 to October 2020 ("relevant period"), and their dates of employment, to the extent it has not done so already.

Second, Plaintiff requests a list of all the regional managers during the relevant period and contact information for each. This is not information that was discussed at the last case



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ORDER

management conference. Plaintiff states that regional managers may know whether a branch manager keeping costs down is a factor in performance reviews such that depositions of regional managers might be needed. However, Plaintiff has not stated why such depositions would be proportional to the needs of the case and consistent with Federal Rule of Procedure 1. Defendant proposes providing a list of the regional managers of California and New York, which are the regions where Plaintiff and opt-in Plaintiffs worked. The Court finds that Defendant's proposal is proportional to the needs of case at this time and therefore denies Plaintiff's request.

Third, Defendant requests that Plaintiffs Jerry Garcia and Kevoni Hayranian be required to participate in discovery including producing Garcia and Hayranian by October 10, 2023. The Court notes that at the September 13, 2023 case management conference, Plaintiff agreed to produce documents regarding Garcia and Hayranian within 30 days; that is, by October 13, 2023. If the Defendant wishes to depose Garcia and Hayranian prior to the production of documents, Garcia and Hayranian shall make themselves available for deposition on or before October 10, 2023; however, the Court will not permit a second day of deposition. If Defendant wishes to depose Garcia and Hayranian prior to completion of conditional certification briefing, Garcia and Hayranian shall make themselves available on or before October 23, 2023 for depositions. The parties shall meet and confer in good faith regarding scheduling for any depositions. Any failure by Garcia and Hayranian to make themselves available for deposition may result in their dismissal from this action for failure to comply with court orders and participate in discovery.

The parties are reminded that they have an obligation to meet and confer in good faith before bringing discovery disputes to the Court. They are also reminded that all discovery requests must be consistent with Rule 1.

The Court will hold an in-person case management conference on October 11, 2023 at 11:00 a.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED.

DATED: New York, New York
September 28, 2023



KATHARINE H. PARKER
United States Magistrate Judge